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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,207	07/30/2003	Mo Xu	STL11080	2018

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7590 11/02/2005

EXAMINER

SAN MARTIN, EDGARDO

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,207

Applicant(s)

XU ET AL.

Examiner

Edgardo San Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 8, 9 and 11 – 13 are objected to because of the following informalities:
 - In Claim 8 the direct recitation of claim 1 should be deleted and all of the limitations of claim 1 should be included in the claim;
 - In claim 9 the direct recitation of claim 8 should be deleted and all of the limitations of claim 8 should be included in the claim;
 - In Claims 11 and 13 the direct recitation of claim 1 should be deleted and all of the limitations of claim 1 should be included in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 9 and 11 - 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kant et al. (US 6,724,566).

With respect to claims 1 – 3 and 5, Kant et al. teach a housing (Fig.3) component comprising a structural member (Figs.3 – 5, Item 104); and an extension (Figs.3 – 5, Item 200) projecting from the structural member, in which the extension comprises an elastic wall (Col.6, Lines 30 – 37), and the elastic wall comprises an elastic surface in which at least a portion faces away from the structural member, and wherein a portion of the elastic surface is in contact with the structural member (Figs.4 and 5).

With respect to claims 4, 6, 7, 11 – 13, Kant et al. teach further comprising an interface of unlike materials between the extension and the structural member; or wherein the extension is directly adhered to the structural member; or further comprising an adhesive joining the extension to the structural member; or other method of forming or applying the extension to the structural member. (Col.6, Lines 47 – 62).

With respect to claims 8 and 9, Kant et al. teach at least one housing element in assembly with the housing component and forming an interior into which the extension projects; and a data storage device comprising a disc stack assembly rotatably mounted to the housing; configured such that fluid flow generated by the disc stack assembly in rotation impinges on the extension substantially at the elastic surface (Figs.3 – 5; Col.6, Line 12 – Col.8, Line 24).

3. Claims 14 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Izumi et al. (US 6,008,965).

Izumi et al. teach a device comprising a housing (Fig.4, Item 13) in which fluid flow is generated; an extension (Fig.4, Item 39) projecting internally of the housing; and means for reducing propagation of vibrations induced by the fluid flow from the extension to the housing (Col.5, Line 57 – Col.6, Line 3); wherein the means for reducing propagation of vibrations further comprises means (Fig.4, Item 32) for directing the fluid flow; and further comprises a filtration unit (Fig.4, Item 38) in the housing, in which the means for reducing propagation of vibrations further comprises means for directing the fluid flow to or from the filtration unit (Figs.4 and 6; Col.5, Line 22 – Col.6, Line 8 and Col.6, Line 55 – Col.7, Line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kant et al. (US 6,724,566) in view of Izumi et al. (US 6,008,965).

Kant et al. teach the limitations described in the previous rejection, but fail to disclose further comprising a filtration unit in the interior of the housing, in which the elastic surface is configured to direct the fluid flow to or from the filtration unit.

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On the other hand, Izumi et al. teach a data storage device comprising a filtration unit (Fig.4, Item 38) in the interior of the housing (Fig.4, Item 13), in which the elastic surface is configured to direct the fluid flow to or from the filtration unit (Figs.4 and 6; Col.5, Line 22 – Col.6, Line 8 and Col.6, Line 55 – Col.7, Line 5).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Izumi et al. filtration unit configuration with the Kant et al. design because the filtration unit configuration would help clean the air stream generated in the housing decreasing the existence of dusts and the like, that may disturb the precise read and write operations of a magnetic head in the data storage device.

Conclusion

5. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

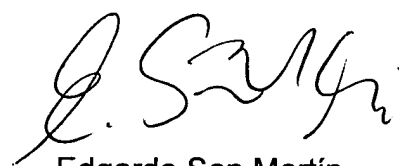
Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. San Martín", is positioned above the printed name and title.

Edgardo San Martín
Primary Examiner
Art Unit 2837
Class 181
October 30, 2005